

Enrolled House Bill 3318

Sponsored by Representative DOHERTY, Senator GELSER; Representatives GORSEK, HACK, MCLAIN, POST, SMITH G, SOLLMAN, Senators DEMBROW, FREDERICK, KNOPP, MAN-
NING JR, ROBLAN

CHAPTER

AN ACT

Relating to special education procedures related to behavior; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 343.

SECTION 2. (1) As used in this section:

(a) **“Behavior intervention plan” means an individualized plan, including positive interventions, designed to:**

- (A) Assist a student to decrease inappropriate behavior; and
- (B) Increase or teach an alternative appropriate behavior.

(b) **“504 Plan” means an education plan developed for a student in accordance with section 504 of the Rehabilitation Act of 1978, 29 U.S.C. 794.**

(c) **“Functional behavioral assessment” means an individualized assessment of a student that results in a hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.**

(d) **“Serious bodily injury” has the meaning given that term in ORS 339.285.**

(e) **“Service provider” includes school personnel who:**

(A) **Are or will be providing services related to the implementation of an individualized education program or a 504 Plan to the student; and**

(B) **Do not hold a teaching license or an administrative license.**

(2) **A school district must conduct a functional behavioral assessment and develop, review or revise a behavior intervention plan within 45 school days of receiving parental consent to conduct the assessment for every student who has:**

(a) **An individualized education program or a 504 Plan; and**

(b) **Placed the student, other students or staff at imminent risk of serious bodily injury as a result of the student’s behavior.**

(3) **When a behavior intervention plan is developed, reviewed or revised as provided by subsection (2) of this section, the school district must:**

(a) **Ensure that the behavior intervention plan is based on a functional behavioral assessment that was conducted by a qualified person;**

(b) **Ensure that the behavior intervention plan appropriately addresses the student’s needs;**

(c) Allow service providers involved in the incident when the student, other students or staff were at imminent risk of serious bodily injury to provide meaningful input into the development, review or revision;

(d) Inform the service providers about any portions of the behavior intervention plan that are relevant to the service providers and about any training opportunities for the service providers; and

(e) Ensure that the behavior intervention plan was correctly implemented before making any revisions.

SECTION 3. Section 2 of this 2017 Act first applies to the 2018-2019 school year.

SECTION 4. This 2017 Act takes effect July 1, 2018.

Passed by House May 2, 2017

Received by Governor:

Repassed by House June 12, 2017

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2017

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 7, 2017

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M,....., 2017

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Dennis Richardson, Secretary of State